

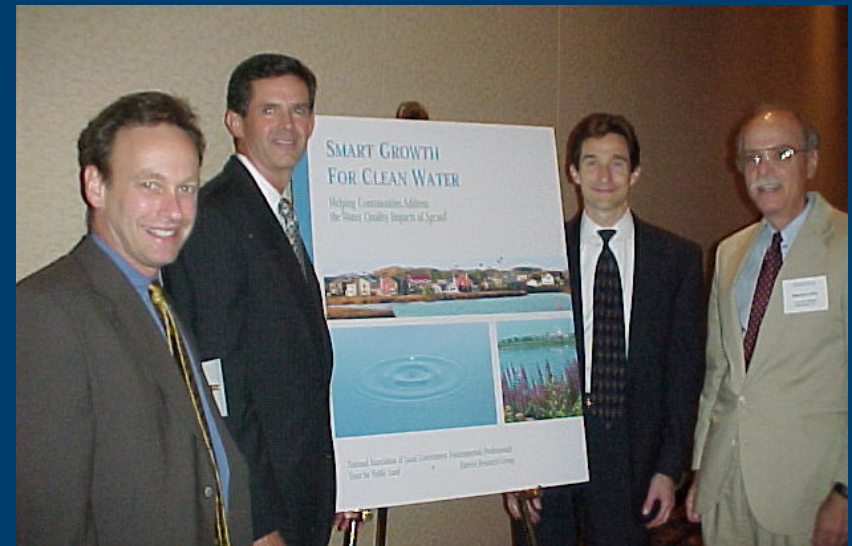
# Funding Portland Harbor Restoration Through CERCLA/WRDA Integration



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# Urban Rivers Restoration Initiative: What is It? - 1

- 2002, 2005 and 2006 MOUs between USACE and EPA
- Eight pilot projects
- Interagency, intergovernmental program



# Urban Rivers Restoration Initiative: What is It? - 2

- Cooperative project planning with stakeholders
- Integrated Planning Model
- Feasibility report to Congress
- Portfolio of solutions

# CERCLA/URRI Comparison - 1

## CERCLA

- Hundreds of PRPs ⇒ extensive litigation
- Discrete geographical focus
- Continuing pollution
- Money consumed by transaction costs

## URRI

- Cooperative partnerships
- Watershed approach
- Source reduction
- Money directed to solutions

# CERCLA/URRI

## Comparison - 2

### CERCLA

- Political problems associated with municipal PRPs
- Resource shortages
- Strict, joint, several, and retroactive liability

### URRI

- Broad-based political support
- WRDA/E&WD approach
- Equitable cost sharing



# WRDA-CERCLA Integration

- COE WRDA public works & EPA CERCLA processes
- Public works: reconnaissance, feasibility, ROD, PED, construction
- CERCLA: PA/SI, RI/FS, ROD, RD/RA

# How Do URRI & CERCLA Interact? – 1

- URRI is not a substitute for CERCLA
- URRI is a process that co-exists with the CERCLA NCP process
- The site goes through the traditional NCP process
- During the RIFS, the WRDA process runs on a parallel track

# How Do URRI & CERCLA Interact? – 2

- Proposed Plan and ROD are issued as usual for a CERCLA site, but the ROD contains a contingent remedy for the WRDA funded alternative
- If WRDA funding does not occur, the ROD requires the traditional CERCLA remedy
- The RD/RA Consent Decree tracks this process





# Synergy with Other Programs

- Brownfields Redevelopment Initiative
- TMDL Program
- EPA Healthy Watersheds Initiative
- NRD Cooperative Assessment Process



# What is the Water Resources Development Act (WRDA)?

- Provides programmatic and project authorities to the Corps of Engineers
- Normally enacted on a two-year cycle, with some exceptions; most recent WRDA was enacted in 2014
- Federal law that could authorize a Willamette Sediment Restoration Project at partial public expense, leading to termination of PRP liability



# Examples of Recent WRDA Authorizations

- Louisiana Coastal Area - \$2.053 billion
- Galveston Harbor – \$1.825 billion
- Indian River Lagoon FL - \$1.365 billion
- Morganza to GOM, LA - \$886 million
- Craney Island Expansion, VA - \$712 million
- Picayune Strand, FL - \$375 million
- Great Egg Harbor, NJ - \$256 million



# What is the Energy & Water Development (E&WD) Act?

- Provides annual appropriations:
  - Department of Energy
  - U.S. Army Corps of Engineers
  - Bureau of Reclamation
- FY 2014 appropriations:
  - Overall bill: \$30.4 billion
  - Corps of Engineers Civil Works: \$5.5 billion



# Examples of E&WD USACE Project Appropriations

- Mississippi River & trib. Project - \$280 million
- Everglades Restoration - \$180 million
- Herbert Hoover Dike, FL - \$122 million
- Wolf Creek Dam, KY - \$116 million
- Olmsted Lock and Dam, IL - \$101 million
- Bluestone Lake, WV - \$82 million
- Columbia River Fish Mitigation - \$80 million

# URRI Process Overview

- Corps reconnaissance study & FCSA
- Corps feasibility-level study
- PRP RI/FS
- CERCLA ROD: merger of Corps & EPA work
- Chief's report to Congress
- WRDA authorization
- Project Partnership Agreement
- Energy and Water Development Appropriations





# URRI-Relevant USACE Authorities

- Ecosystem Restoration and Protection
- Aquatic Ecosystem Restoration
- Environmental Dredging
- Beneficial Use of Dredged Materials
- Commercial Navigation
- Flood Control/Shore Protection
- Recreation
- Interagency Support



# Standard WRDA Cost-Sharing

- Ecosystem Restoration - 75/25
- Aquatic Ecosystem Restoration – 65/35
- Environmental Dredging - 65/35
- Beneficial Use of Dredged Materials - 75/25
- Commercial Navigation - 90/10 to 50/50
- Flood Control/Shore Protection - 65/35
- Recreation - 50/50

# URRI Cost Assignment Procedures

- Cost allocation among project purposes
- Cost sharing between federal government and non-federal sponsor
- Cost distribution among non-federal stakeholders

# Questions and Discussion